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Description of document: United States Marshals Service (USMS) records mentioning "Talking Points," 2009 - ?

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Date/date range of document: See Note below

Source of document: Office of General Counsel
United States Marshals Service
Department of Justice
Washington, D.C. 20530-1000
(202) 307-9054
Fax: (202) 307-8544, (202) 307-9456
E-mail: usms.foia@usdoj.gov

Note: Most documents provided are undated

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U.S. Department of Justice

United States Marshals Service

Office of General Counsel

2604 Jefferson Davis Hwy.
Alexandria, VA 22301

April 4, 2011

Re: Freedom of Information/Privacy Act Request No. 2011USMS16427
Subject of Request: Talking Points

Dear Requester:

The United States Marshals Service is responding to your request for records in this agency's files pertaining to the above subject.

Pursuant to your request, ☒ the Marshals Service conducted a search of its files and located documents which are responsive, or ☐ the Marshals Service received documents referred from another agency for disclosure determination and direct response to you. The paragraphs checked below apply:

☐ All documents located or ☐ all documents referred from another agency are being released to you without deletions.

☒ Documents are being released to you; however, certain documents or portions of documents are being withheld pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and/or the Privacy Act, 5 U.S.C. § 552a. Please refer to the list on page 2 of this letter for a description of information being withheld and the basis for withholding.

☐ Our search located document(s) which originated with or contain(s) information which originated with (an)other component (s) of the Department of Justice or with (an)other government agency(ies).

☐ Information contained in Marshals Service records which originated with (an)other agency(ies) and a copy of your request have been referred to the originator(s) for consultation in accordance with 28 C.F.R. § 16.4 and/or § 16.42. The Marshals Service will correspond with you again upon completion of this consultation.

☐ Records which originated with (an)other agency(ies) and a copy of your request have been referred to the originator(s) for disclosure determination and direct response to you in accordance with 28 C.F.R. § 16.4 and/or § 16.42.

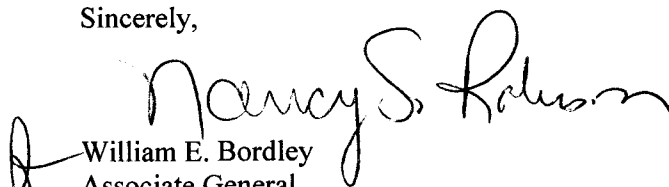
☐ Your request is being denied pursuant to the Freedom of Information Act and/or Privacy Act exemption(s) identified by mark(s) on the following list.

☒ If you are dissatisfied with my action on this request, you may appeal by writing to

the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001. Your appeal must be received within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information/ Privacy Act Appeal." In the event you are dissatisfied with the results of any such appeal, judicial review will thereafter be available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia.

☒ The enclosed material is provided for your further information.

Sincerely,


William E. Bordley
Associate General
Counsel/FOI/PA Officer
Office of General Counsel

Enclosures

Number of Documents Located or referred from another agency:	<u>21</u>
Number of Documents Released:	<u>21</u>
Number of Documents Referred to another agency:	<u>0</u>
Number of Documents Withheld:	<u>0</u>

Freedom of Information Act
5 U.S.C. § 552

Privacy Act
5 U.S.C. § 552a

Exemptions cited

☐ (b)(1) ☐ (b)(2) ☐ (b)(3) ☐ (d)(5) ☐ (j)(2)
☐ (b)(4) ☒ (b)(5) ☒ (b)(6) ☐ (k)(1) ☐ (k)(2)
☐ (b)(7)(A) ☐ (b)(7)(B) ☐ (k)(5) ☐ (k)(6)
☒ (b)(7)(C) ☐ (b)(7)(D)
☒ (b)(7)(E) ☐ (b)(7)(F)

Description of Information
Withheld:

☐ Administrative marking(s)
☒ Names of and/or information on
government employees
☐ Names of and/or information
pertaining to third-party individual(s)
☐ Confidential source information
☒ Other: Predecisional; Techniques

FREEDOM OF INFORMATION ACT
5 U.S.C. § 552

Disclosure mandates of the Freedom of Information Act do not apply to matters that are--

- (b)(1) specifically authorized and properly classified pursuant to an Executive order to be kept secret in the interest of national defense or foreign policy;
- (b)(2) related solely to the internal rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by another statute;
- (b)(4) privileged or confidential trade secrets and commercial or financial information obtained from a person;
- (b)(5) predecisional information, including attorney work-product and attorney-client material, reflective of the deliberative process and contained in inter-agency or intra-agency correspondence which is not routinely available to a private party in litigation with an agency;
- (b)(6) personnel, medical and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes to the extent that the production of such records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.

PRIVACY ACT
5 U.S.C. § 552a

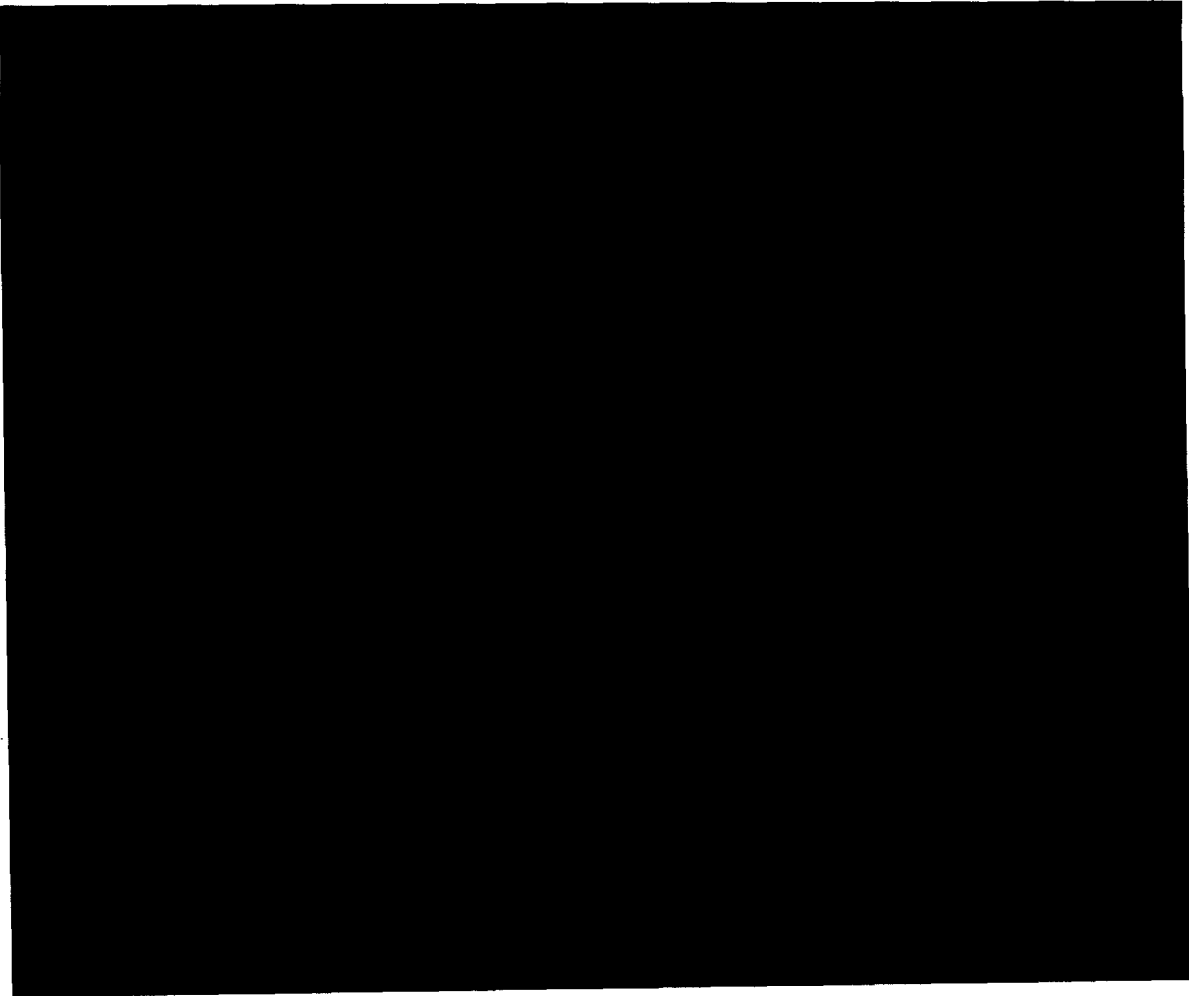
(d)(5) Nothing in the Privacy Act shall allow an individual access to any information compiled in reasonable anticipation of civil action or proceeding.

Further, an agency may exempt from the access provisions and other provisions of the Privacy Act:

- (j)(2) Material related to the enforcement of criminal laws including efforts to prevent, control or reduce crime or to apprehend criminals;
- (k)(1) Material specifically authorized and properly classified pursuant to an Executive order to be kept secret in the interest of national defense or foreign policy;
- (k)(2) Material compiled during civil investigations for law enforcement purposes;
- (k)(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, the disclosure of which would reveal the identity of a source who furnished information to the Government under an express promise that the source's identity would be held in confidence, or pursuant to an implied promise of confidentiality if such information was furnished prior to September 27, 1975.
- (k)(6) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service.

PROPOSED RESPONSES TO QUERY – AMBROSE CASE

PROPOSED RESPONSE TO QUERY STATEMENT – CONVICTION



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PROPOSED Q&As ADDRESSING VIRUS ATTACK ON USMS IT NETWORK

The U.S. Marshals Service network was affected by a virus on Thursday, May 21. Our Information Technology staff quickly identified the virus and initiated preventative measures to resolve the problem. For precautionary purposes, the U.S. Marshals network was isolated from the Department of Justice network to prevent further spread of the virus. At no time was data compromised or at risk.

The U.S. Marshals network is now up and operational and we have installed the recommended patches to correct the problem.

Of approx 6,800 U.S. Marshals Service workstations throughout the districts and headquarters, our IT division minimized the impact of the virus to 140 machines. These machines were removed from the system and are being repaired. All other U.S. Marshals workstations have full internal and external system connections.

What was the name of the virus?

Revealing the name of the virus could pose a potential security risk to the U.S. Marshals.

Where did the virus come from?

The virus was resident on a laptop; the laptop was connected to the network to troubleshoot a problem, once that laptop was reconnected to our network the virus began to very aggressively propagate through the U.S. Marshals network. At this point we do not know where the virus came from.

What caused the vulnerability?

A variety of things caused the vulnerability; the main issue was an inconsistent application of a security patch.

Was this the same virus that affected the FBI? Was there a joint effort in resolving this problem?

We are unaware of the specific issues that FBI faced last week. The U.S. Marshals coordinated all its efforts with the department's Justice Security Operations Center.

How vast was the network infection?

Less than 5 percent of U.S. Marshals systems were affected.

DUSM Vincent Bustamante

RESPONSE TO QUERY STATEMENT

Prepared by USMS OPA, March 26, 2009

The body of Deputy U.S. Marshal Vincent Bustamante was discovered March 25 by authorities in Juarez, Mexico. The U.S. Marshals Service is cooperating with Mexican authorities and the FBI in the investigation into the death of Deputy Bustamante, and it would be premature at this time to address the potential outcome of that investigation. What I can tell you is that the U.S. Marshals Service is saddened by the death of Deputy Bustamante and our thoughts and prayers are with the family.

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CONTENTS RELEASABLE – DOCUMENT NOT FOR PUBLIC RELEASE

PUBLIC AFFAIRS GUIDANCE
Attorney General's Announcement on Guantanamo Bay Detainees
Prepared by USMS OPA, Nov. 13, 2009
UPDATED Dec. 15, 2009

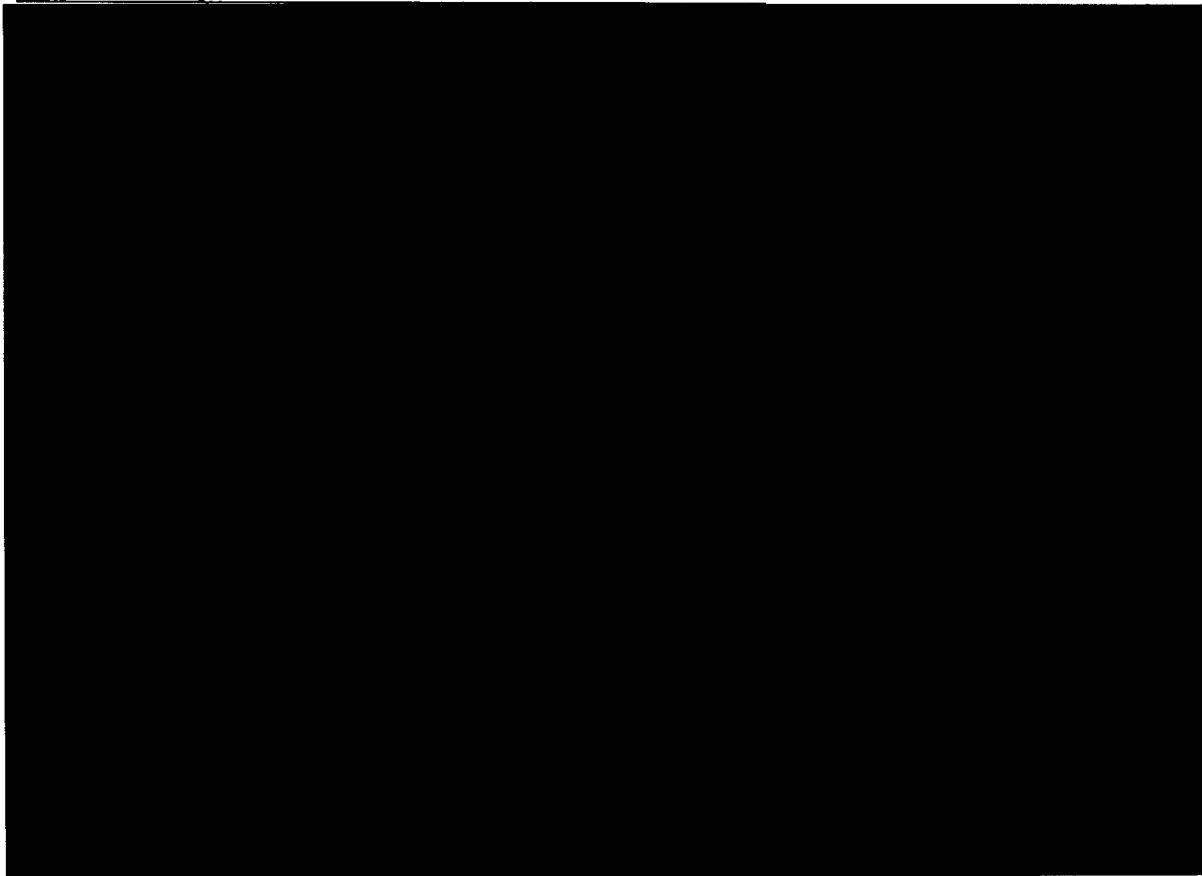
RESPONSE TO QUERY STATEMENT

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POTENTIAL QUESTIONS AND PROPOSED RESPONSES

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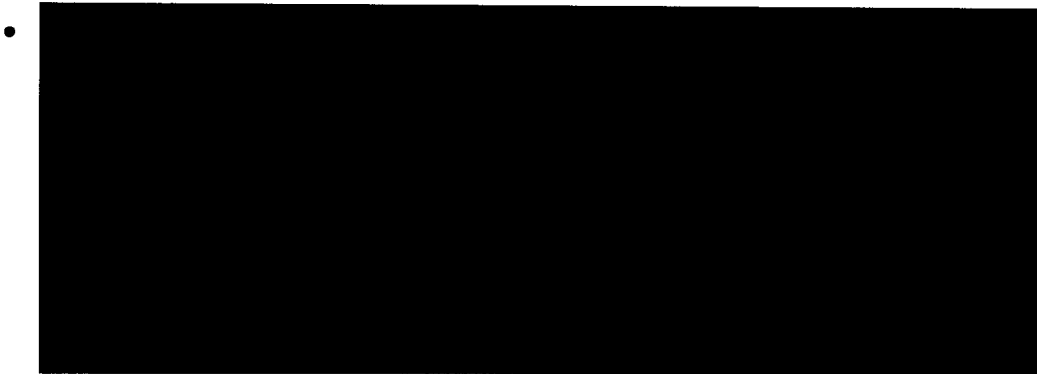
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**U.S. MARSHALS INPUT
DOJ FIRST 100 DAYS**



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- On April 1, the USMS seized a multimillion dollar waterfront home in Palm Beach, Fla., and three vessels (the 55' yacht "Bull" in Broward County, Fla.; the 38' "Sitting Bull" in Montauk, N.Y., and a 24' motorboat and trailer), belonging to . The seizures were intended to secure, maintain, and ultimately sell the assets to maximize recovery for victims in connection with criminal forfeiture proceedings against .
- The USMS successfully negotiated with the Governor of American Samoa to house a Strategic National Stockpile 12-hour Push Package on the island. This provides the Centers for Disease Control and Prevention with an opportunity to supply immediate medical countermeasures to the population of the Pacific Rim.
- The USMS kicked off a nation-wide Federal Career Intern Program recruitment drive in March 2009. Information sessions led by Deputy U.S. Marshals have been held in two regions of the country, providing information on the history and missions of the service in addition to application procedures to 1,800 men and women interested in becoming deputies. The recruitment drive will continue through the end of the fiscal year offering opportunities for individuals to be considered for employment in all 94 Marshals districts.
- The USMS completed an exhaustive review of its existing policy documents since Jan. 20, certifying many policies as current and active and taking corrective actions to bring the remaining policies up-to-date.
- Since Jan. 20, 85 percent of USMS employees received No Fear Act Training.

Justice Prisoner and Alien Transportation System

- The USMS's Justice Prisoner and Alien Transportation System (JPATS) initiated the JPATS Management Information System (JMIS), a new, integrated information technology system that will revolutionize the prisoner transportation process, provide internal and customer performance metrics to make decision-making easier and drive

better efficiencies throughout JPATS. JPATS is currently in Phase II of this project, with an aggressive start date of October 1, 2009.

- JPATS implemented an Internal Management Control Review program to validate and measure adherence to policy and identify areas of improvement and change. This review is currently being completed with the final report due June 1, 2009.
- The USMS created the JPATS/Bureau of Prisons Working Group to identify better ways to reduce delays at the Federal Transfer Center through collaboration and time measurements, creating a more efficient program schedule.
- The USMS created the JPATS/Immigration and Customs Enforcement Committee to resolve issues related to conflicting policies and procedures.

Southwest Border Districts

- The USMS co-sponsored a major conference of United States Judges in Houston, TX. USMS and personnel from the El Paso Intelligence Center provided security briefings to the judges in the Southwest Border judicial districts regarding violence spillover concerns related to violence in Mexico.
- The USMS has performed a security survey for all court facilities along the Southwest Border, which includes security enhancements and deficiencies, and made recommendations to improve physical and electronic security.
- The USMS is discussing cooperative methodologies with the El Paso Intelligence Center that will assist with facilitating intelligence exchange.
- The USMS is funding rotations of Deputy Marshals to the Southwest Border districts to assist with the severe workload in these districts.

Terrorist Detainee Task Force

- In response to President Obama signing an Executive Order that the detention camps at Guantanamo Naval Base will be closed by January 22, 2010, the USMS created a Terrorist Detainee Task Force (TDTF) in order to effectively prepare for the transfer of detainees to the United States in civilian or military custody. USMS and DoD personnel have been working in partnership to ensure a smooth transition of any detainees charged with a crime in U.S. District Court.
- The USMS coordinated with DoD's Defense Information Systems Agency to install a secure network line to better serve the TDTF.

Threat Management Center

- The USMS dedicated the Threat Management Center (TMC) Conference Room in memory of the mother and husband of Judge Joan Lefkow.
- The USMS trained 100 District Office Security Managers from U.S. Attorney's Offices throughout the United States on protective intelligence and protective investigations.

Plan Colombia

- Since Jan. 20, USMS personnel assigned to the U.S. Embassy in Bogotá worked very closely with the Department of Justice, U.S. Embassy and Colombian officials to conduct training for 100 Colombian Law Enforcement officials assigned to protect judges, witnesses, prosecutors, the Colombian Attorney General and the Minister of Defense. The USMS Basic Protective Operations Training covered both Witness Security and Court Security training.

National Center for Judicial Security

- The National Center for Judicial Security (NCJS) provides support to federal, state, local and international jurisdictions as they seek advice and assistance on matters of judicial security. The NCJS initiates programs and activities directly related to threat assessment, training, information sharing, and technology review to meet the various needs of a national and international constituency regarding their respective court systems and the protection of members of the judiciary and extended court family.
- On March 16th, the Second NCJS Fellowship Program began with representatives from the Prince Georges County Sheriffs' Department and the St. Mary's County Sheriffs' Department. The Fellowship Program provides a professional opportunity to state and local court security managers to train and serve with USMS counterparts in all facets of the USMS program, and the private sector. The Fellows are exposed to all aspects of the USMS judicial security and court security mission and receive briefings and orientations on the operation of the Federal Court system. They travel to sites with ongoing high-threat trials and protective details and are briefed by security professionals from a large corporation. They also receive briefings on security provided at national monuments, historical sites, military installations, and other facilities requiring security.
- Working with the NCJS fellow from St. Mary's County, the USMS designed a training program to meet the requirements of the St. Mary's County Sheriffs' Office that develops an electronic physical security scope of work, demonstrates proper architectural drawing review, and the theory of operation behind electronic security devices.

Prisoner Operations

- The USMS is working with the Department of Justice to test the new Justice Automated Booking Station operating system. In conjunction with this, the USMS is working with the U. S. Customs and Border Protection in a Southwest Border project which will streamline booking procedures between the agencies along the border saving valuable time and resources.
- USMS hosted officials from the National Managed Care Contractor who presented strategies regarding case tracking software for prisoner medical conditions and the associated budget to implement. The NMCC establishes a nationwide health care delivery system for USMS prisoners and ensures that the USMS is in compliance with applicable federal procurement laws and regulations when it acquires medical services. The NMCC also reduces district workload by transferring responsibility for approving or denying medical care, processing medical claims and paying medical bills from the districts to the contractor.
- The USMS current average daily prisoner population is over 58,000, and in the 100 days the prisoner population growth has remained at 6.9 percent. The USMS does not own or operate any detention facilities and relies on local, state and Federal facilities to house pretrial detainees. In the last 100 days, the USMS has entered into 50 Intergovernmental Agreements with local jails around the nation for detention services.
- USMS hosted a Conditions of Confinement training program at the Federal Law Enforcement Training Center continuing the USMS leadership role in detention standards.
- USMS conducted a Southwest Border USMS District Chiefs meeting along with the Office of the Detention Trustee to discuss detention and transportation requirements.

Major USMS Investigative Accomplishments FY 2009 – Second Quarter

- Arrested **9,122** federal fugitives.
- Arrested **16,583** state and local fugitives through our task force network.
- Cleared **9,481** federal warrants.
- Cleared **21,298** state and local warrants.
- Arrested **850** homicide suspects.

- Arrested **765** gang members.
- Arrested **362** OCDETF fugitives.
- Arrested **2,022** sex offenders.
- Opened **297** investigations under the Adam Walsh Act.
- Arrested **70** individuals charged with violations of the Walsh Act.
- Extradited/deported **163** fugitives from **27** countries.
- Closed **144** international fugitive cases.
- Closed **69** foreign fugitive cases.
- Arrested **66** fugitives in Mexico, including,

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TALKING POINTS FOR PROJECT SENTINEL/OPERATION GUARDIAN

For this new initiative, dubbed Project Sentinel / Operation Guardian, the U.S. Marshals Service is targeting the five most dangerous noncompliant sex offenders in each Marshals Service district. These sex offenders have been identified through our close working relationship with state and local law enforcement partners and each case is reviewed by a Marshals Service behavioral analyst/Chief Psychologist. Those state and local law enforcement partners tell us which offenders to target, emphasizing the particular attributes of the offender we'll be taking off the street through this long-term investigative project. We are looking to prosecute these cases federally where possible.

The number of sex offenders running from the law prior to a conviction is difficult to determine, but Marshals Service Sex Offender Investigators tracked down roughly 20,000 fugitive sex offenders in the last year. These fugitives were wanted for sexual assaults, sex offender registration violations, and other sex crimes.

In the United States there are an estimated 750,000 convicted sex offenders who should be registered and perhaps as many as 125,000 who have failed to register. Sex offenders can be difficult to track down and often appear harmless. They're very good at hiding in plain sight until someone trusts them with their children and they then victimize someone.

The Adam Walsh Child Protection and Safety Act of 2006, signed into law July 27, 2006, made it a federal crime for sex offenders who knowingly fail to comply with their sex offender registration requirements.

The U.S. Marshals Service is the lead federal law enforcement agency charged with investigating violations of the Adam Walsh Act and related offenses and assisting jurisdictions in locating and apprehending sex offenders who fail to register. In the fight against child exploitation, the U.S. Marshals Service established the following initiatives:

- The Sex Offender Apprehension Program.
- National sex offender special apprehension initiatives which focus U.S. Marshals Service resources on noncompliant and fugitive sex offenders.
- A case management office at the National Center for Missing and Exploited Children (NCMEC) to oversee U.S. Marshals Service investigations involving abducted children.
- Incident Management Teams to assist with identifying and locating sex offenders during a major crises/natural disaster.
- A working relationship with Interpol to issue "Green Notices" to track the movement of sex offenders between member nations.
- A coalition between nations that maintain organized sex offender registries.
- Nationwide media campaigns encouraging compliance with sex offender registration laws.
- The establishment of the National Sex Offender Targeting Center (NSOTC), an interagency intelligence and operations center supporting the identification, investigation, location, apprehension, and prosecution of noncompliant, unregistered fugitive sex offender.
- The creation of the U.S. Marshals Service Behavioral Analysis Unit within the NSOTC to assist with the prioritization and targeting of noncompliant and fugitive sex offenders.

The U.S. Marshals Service has designated experienced criminal investigators who serve as sex offender investigations coordinators (SOICs) within all U.S. Marshals Service districts and Regional Fugitive Task Forces to spearhead implementation of the legislation and to establish and maintain effective contacts with sex offender registration authorities, corrections officials, and other law enforcement agencies throughout the country. Through these interagency networks, the U.S. Marshals Service and its partners are able to effectively identify, investigate, locate, and apprehend sex offenders who violate their registration requirements.

Since the inception of its sex offender apprehension program, U.S. Marshals have arrested more than 33,500 individuals. Since the inception of the Adam Walsh Act, investigators have opened more than

TALKING POINTS FOR PROJECT SENTINEL/OPERATION GUARDIAN

6,300 investigations on convicted sex offenders for violations of the Act. Approximately 1,200 warrants have been issued for violations of the act, and of those, more than 1,000 arrests have been made. More than half of the arrests made are prosecuted at the state or federal level. .

The U.S. Marshals Service coordinates with NCMEC to generate, analyze, and disseminate leads concerning noncompliant sex offenders. Through a cooperative effort with NCMEC dubbed Operation Pickup, the Marshals Service recovered 190 missing children and arrested 150 abductors or companions.

TALKING POINTS FOR USMS COMMITMENT TO CHILDREN'S SAFETY

USMS commitment to children's safety:

- The U.S. Marshals Service was designated the lead law enforcement agency responsible for investigating sex offender registration violations and other offenses that violate the Adam Walsh Child Protection and Safety Act, passed on July 27, 2006. As part of the Act, the Marshals Service has three principal responsibilities:
 - assisting state, local, tribal and territorial authorities in the location and apprehension of non-compliant and fugitive sex offenders;
 - investigating violations of the Act for federal prosecution; and,
 - assisting in the identification and location of sex offenders relocated as a result of a major disaster.
- The Marshals Service created the Sex Offender Investigations Branch to manage its Sex Offender Apprehension Program. Since the branch's inception, it has
 - developed an implementation strategy;
 - assisted the rest of the Department of Justice with legal guidance;
 - created the National Sex Offender Targeting Center;
 - assigned a full time liaison to the National Center for Missing and Exploited Children; and,
 - designated a sex offender investigations coordinator in each district and Regional Fugitive Task Force.

USMS / NCMEC relationship talking points:

- NCMEC has assigned four analysts and one supervisor to NSOTC from their Sex Offender Tracking Team. The SOTT was created immediately following the passage of the Adam Walsh Act of 2006 and has proven to be a tremendous asset to state, local and federal law enforcement agencies nationwide in their efforts to locate and arrest non-compliant sex offenders. SOTT is playing a very significant role at NSOTC.
- The USMS/NCMEC relationship continues to grow. For the first time ever, NCMEC has co-located staff with an outside agency - the 5 SOTT analysts at the NSOTC.
- In the near future, the USMS will be assigning another investigator to NCMEC in order to expand the ways we support NCMEC's mission.
- The USMS continues to actively support NCMEC's Missing Child Division through Operation Pickup. This initiative targets fugitives who are connected to missing child investigations. The USMS recently made its 150th arrest and has recovered over 180 children through Operation Pickup. This success would not be possible without the dedicated staff of NCMEC's Missing Children Division.

Badges for Baseball partnership with the Cal Ripken Sr. Foundation:

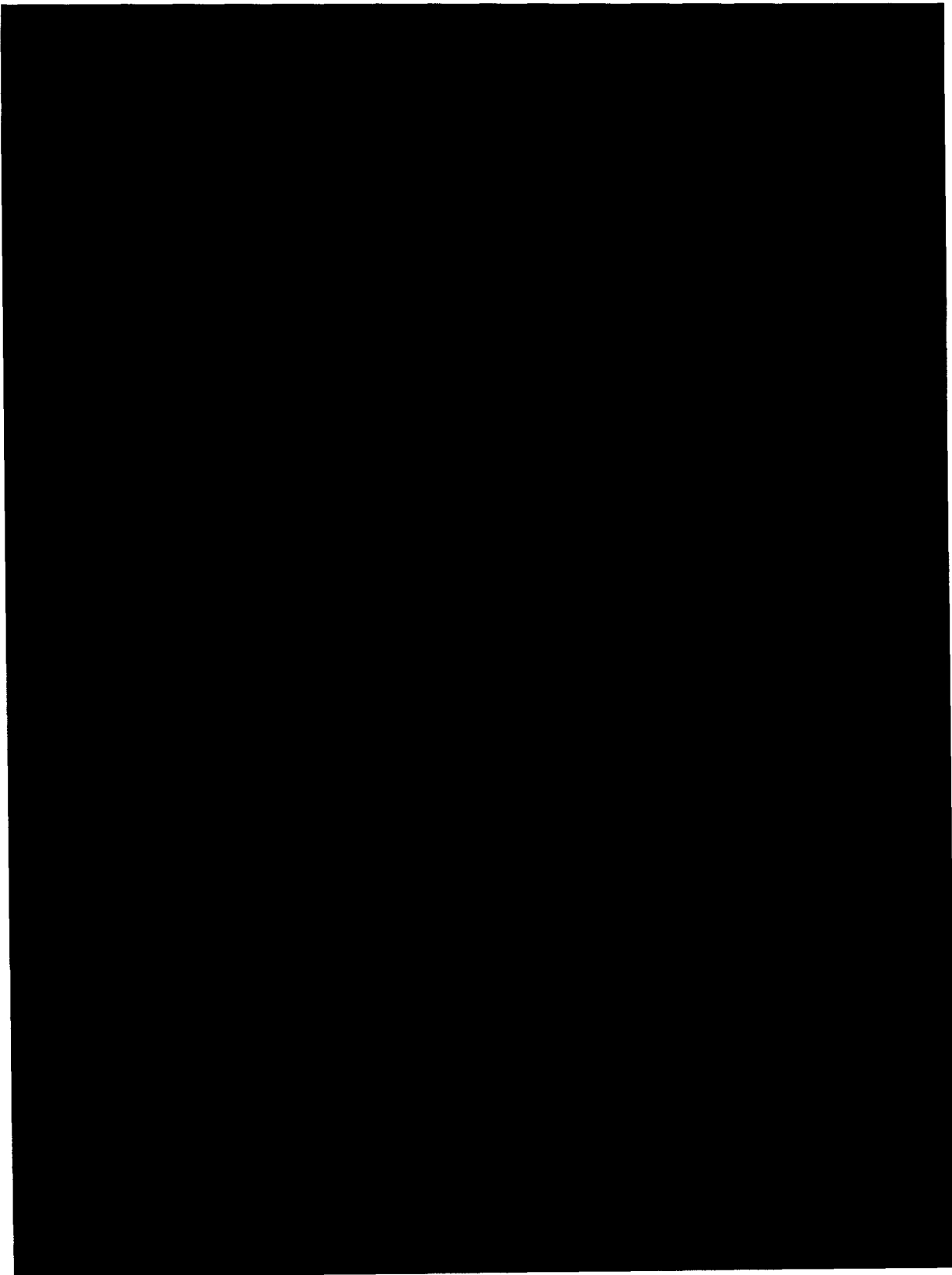
- The CRSF and the USMS established an official partnership in February 2010 to deliver the Badges for Baseball program in youth camps, clinics and community-based organizations across the United States.
- When fully implemented, CRSF / USMS Badges for Baseball partnership will be a multi-faceted mentoring program that brings the tenets of "The Ripken Way" to young people through a variety of programs, including *Healthy Choices*, *Healthy Children* and baseball/softball themed activities.
- Most importantly, deputies will mentor and work directly with youth to enhance the lessons of "The Ripken Way" while providing young people with new opportunities to learn, grow, and make positive choices for their future.
- The Badges for Baseball program primarily targets areas with high rates of juvenile crime and delinquency related issues. Unfortunately these high crime rates often correlate with strained relationships between law enforcement officers and young people living in these neighborhoods. This strain provides an opportunity to reach young people at an impressionable age and gives

TALKING POINTS FOR USMS COMMITMENT TO CHILDREN'S SAFETY

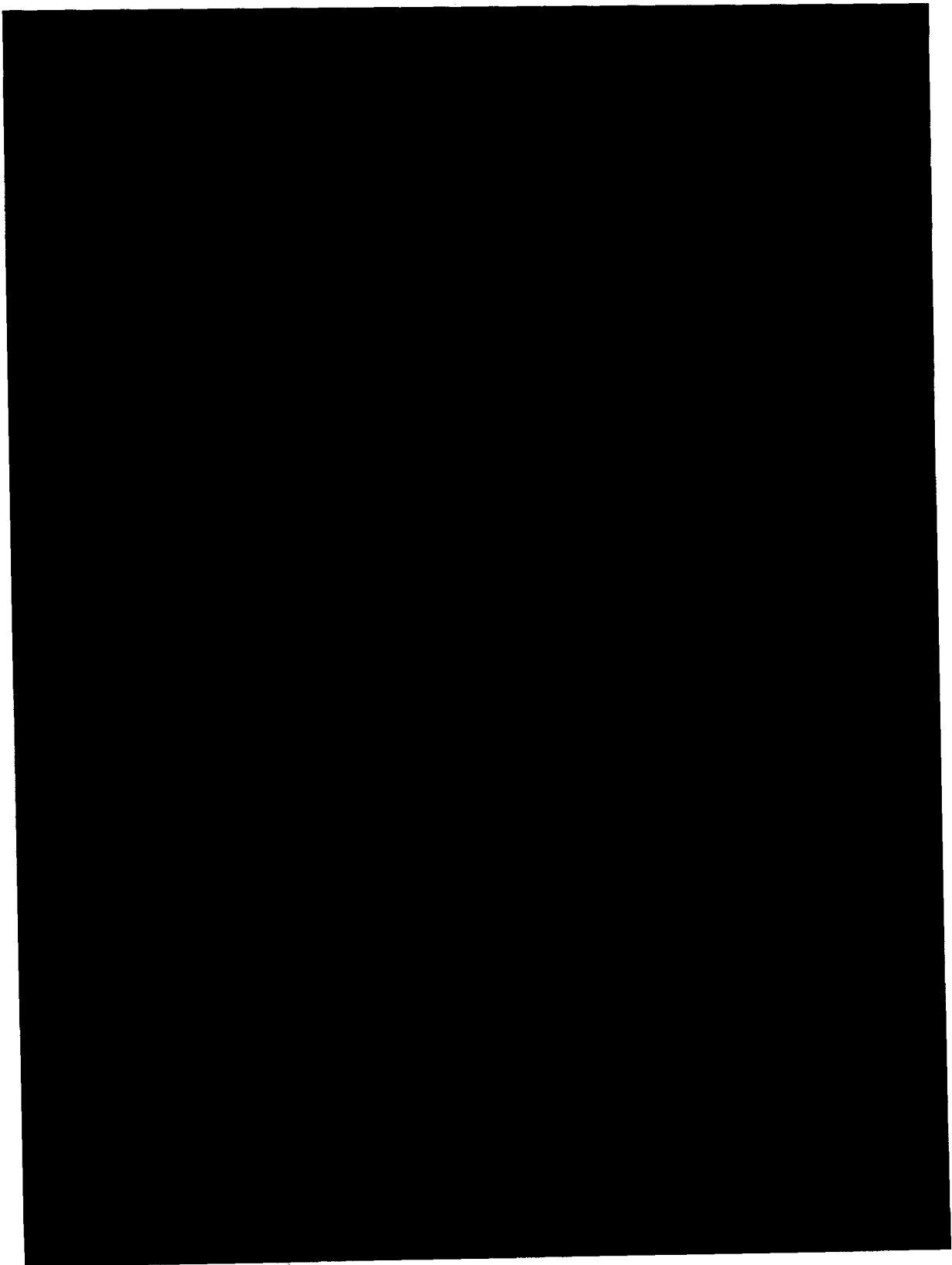
them opportunities to begin seeing the U.S Marshals as mentors, friends, and coaches rather than an enemy on their streets.

PROPOSED RESPONSES TO QUERY TO IG REPORT ON JSD –
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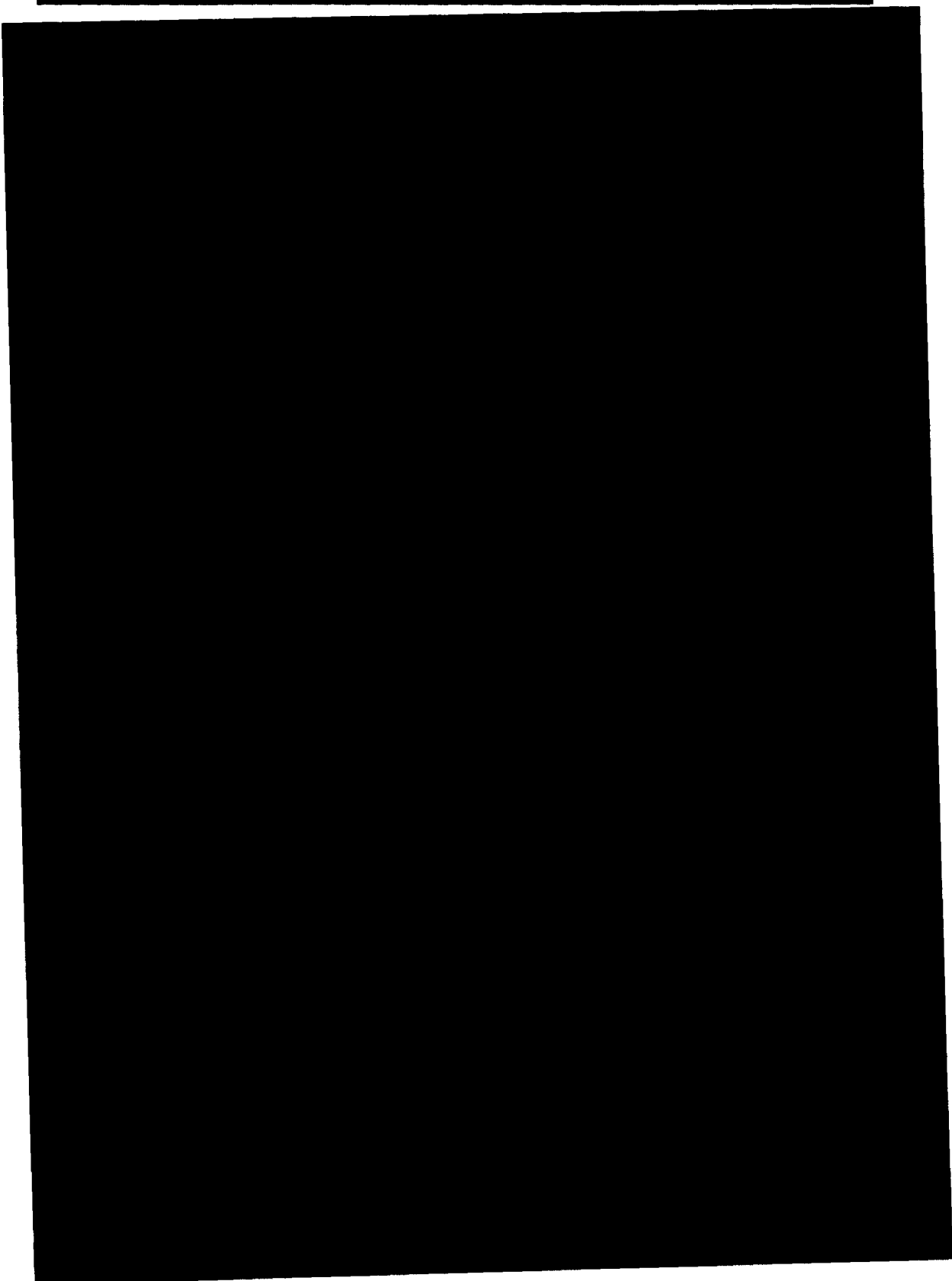
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